

Apr. 18. 2003 1:08PM

No. 1132 P. 1

# 98(NE)  
Amdt  
SDavis  
4/28/03

Patent  
Attorney Docket No. ITW7510.008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED

APR 18 2003

TECHNOLOGY CENTER 2800

In re Application of : Deonarine, Victor I.  
Serial No. : 09/683,353  
Filed : December 18, 2001  
For : DUAL TEMPERATURE INDICATOR STICK HOLDER  
Group Art No. : 2859  
Examiner : DeJesus, Lydia M.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the US Postal Service in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

37 CFR 1.8(a)

37 CFR 1.10

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Transmission

☒ transmitted by facsimile to Fax No.: 703-872-9319 addressed to Examiner DeJesus at the Patent and Trademark Office.

Date: 4/18/03

Jan C. DeJesus  
Signature

Assistant Commissioner for Patents  
Washington DC 20231

AMENDMENT/RESPONSE

Dear Sir:

5/05/2003 DSASFAL 00000009 09683353 Responsive to the Office Action mailed December 20, 2002, please amend the

1 FC:1202

Application as follows:

Received from < > at 4/18/03 2:10:54 PM (Eastern Daylight Time)

Refund Ref: 10/13/2005  
Credit Card Refund Total: \$324.00  
0030026160  
Header C: XXXXXXXXXXXX3852  
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05/05/2003 DSASFAL 00000009 09683353  
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Customer No. 33647

Patent Application  
Attorney Docket No. ITW7510.008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Deonarinc, Victor I.  
Serial No. : 09/683,353  
Filing Date : 12/18/2001  
For : Dual Temperature Indicator Stick Holder  
Group Art No. : 2859  
Examiner : Jagan, M.

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

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37 CFR 1.8(a)

37 CFR 1.10

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☒ transmitted by facsimile to Fax No.: (571) 273-~~8300~~<sup>6500</sup> addressed to at the Patent and Trademark Office.

Date: 8-31-05

Signature

*Lisa J. Chaney*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATUS INQUIRY**

Dear Sir:

More than eleven (11) months have passed since the filing of Applicant's second submission of Petition for Refund filed on September 23, 2004. Applicant's first submission of Petition for Refund was filed August 21, 2003, more than two (2) years ago. A copy of both of Applicant's Petition submissions is included herewith.

Patent Application Serial No. 09/683,353  
Attorney Docket No. ITW7510.008

No communication has been received from the Patent and Trademark Office indicating action on this Petition. Kindly advise the undersigned of the present status of this Petition, and/or when a Decision can be expected, by completing the next page and returning to the address below.

Respectfully submitted,



Kirk L. Deheck  
Registration No. 55,782  
Telephone (262) 376-5170 Ext. 16  
[kld@zpspatents.com](mailto:kld@zpspatents.com)

Dated: August 31, 2005

**P.O. ADDRESS:**  
Ziolkowski Patent Solutions Group, SC  
14135 North Cedarburg Road  
Mequon, WI 53097-1416  
(262) 376-5170

US PATENT & TRADEMARK  
OFFICE  
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FAX 1 800 786 9199

Patent Application Serial No. 09/683,353  
Attorney Docket No. ITW7510.008

**STATUS INQUIRY REPLY**

APPLICANT'S PETITION originally filed August 21, 2003, and resubmitted September 23, 2004, is currently:

Assigned to Group 2859 and awaits: \_\_\_\_\_

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AUG 31 2005  
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PATENT & TRADEMARK OFFICE

Patent  
Attorney Docket No. ITW7510.008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Deonarine, Victor I.  
Serial No. : 09/683,353  
Filed : December 18, 2001  
For : **DUAL TEMPERATURE INDICATOR STICK HOLDER**  
Group Art No. : 2859  
Examiner : Jagan, M.

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Date: 9/21/04

*Mike Jagan*  
Signature

Mail Stop Petitions  
Commissioner of Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

**PETITION FOR REFUND**

Dear Sir:

This is Applicant's second submission of this Petition for Refund originally filed on August 21, 2003 (a copy of which is included herewith).

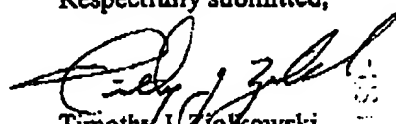
This is a Petition for Refund of fees associated with submission of additional claims in excess of twenty (20) associated with the above captioned matter. Applicant requests a refund in the amount of \$324.00 be deposited to the credit card account

Docketed by: dlg  
Date: 9-23-04

indicated in the Credit Card Authorization form submitted in the above captioned matter in the Response filed April 18, 2003.

The additional claims were submitted in response to the Examiner's indicated allowability of claims 2, 3, 4, 7, and 8. Applicant submitted new claims based on this allowability indication. The Examiner then rejected claims 22, 23, and 24 solely based on OMEGAMARKER®, a reference previously considered in the Office Action mailed February 27, 2003. The Examiner rejected claim 21 over OMEGAMARKER® further in view of Tabichnik but has rejected the original subject matter of claim 1 again based on OMEGAMARKER®. Under 37 C.F.R. § 1.26, "the Commissioner may refund any fee paid by mistake or in excess of that required." The claims for which refund is sought are the result of the Examiner's indicated allowability thereof. The fee was paid based on the Examiner's express indication of allowable subject matter, which was later revoked. The examination of the now cancelled claims was paid for in the original filing fee since they are merely rewritten in independent form. As such, applicant requests a refund in the amount of \$324.00 be credited to the credit account indicated above.

Respectfully submitted,



Timothy J. Ziolkowski  
Registration No. 38,368  
Direct Dial 262-376-5139  
[tjz@znspatents.com](mailto:tjz@znspatents.com)

Dated: September 23, 2004  
Attorney Docket No.: ITW7510.008

**P.O. ADDRESS:**  
Ziolkowski Patent Solutions Group, LLC  
14135 North Cedarburg Road  
Mequon, WI 53097-1416  
262-376-5170

No. 8921 P. 8

USPTO 9/23/2004 12:29 PM PAGE 1/001  
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Page

Page 25, Time 4:13 PM, File 5523112, No. 5523

Patent  
Attorney Docket No. JTW7510.008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Doucine, Victor L.  
Serial No. : 09631353  
Filed : December 18, 2001  
For : DUAL TEMPERATURE INDICATOR STICK HOLDER  
Group Art No : 2810  
Examiner : Jagan, M.

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IT is submitted with the United States Patent Service by an authorized addressee to the Commissioner of Patents, P.O. Box 1450,  
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31 CFR 1.510  
13 with enclosed serial to be first class mail ☐ As "Express Mail Post Office to Addressee" Mailing Label No.

Transmittal  
18 Transmitted by facsimile to Fax No. 703-833-4355 addressed to Office of Patents (Patent) and Trademark Office.  
Date: 1/1/02 1/1/02

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PETITION FOR REFUND

Dear Sir:

This is Applicant's second submission of this Petition for Refund originally filed  
on August 21, 2003 (a copy of which is included herewith).

This is a Petition for Refund of fee associated with submission of additional  
claims in excess of twenty (20) associated with the above captioned matter. Applicant  
requests a refund in the amount of \$724.00 be deposited to the credit card account

2003 08 21 PM 04:13:00, File 5523112, No. 5523112, Page 25, Time 4:13 PM, File 5523112, No. 5523112

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